

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL APPLICATION NO.1504 OF 2006

Rupesh Krishnaraio Marne. ..Applicant.

Vs.

State of Maharashtra. ..Respondent.

Mr. J. Shekhar i/by J. Shekhar & Co. for the
Applicant.

Mr.K.V.Saste, APP. for the State.

CORAM : R.S. MOHITE, J.

DATED : 20-7-2006.

P.C.

1. This is an application for grant of bail. The applicant is being tried as an accused in Sessions case arising out of C.R.No.289/2003 registered by Swargate Police Station for alleged offences under Section 147,149,302, 120B and 109 of the Indian Penal Code, under Section 37(1)(3) read with 135 of the Bombay Police Act and under Section-4 and 25 of the Indian Arms Act as well as under various offences under the MCOC Act.

2. On perusal of the record, it appears that on 16.10.2003, the police have recorded the confessional statement of the accused No.7 Gajanan Pandharinath Marne under Section 18 of the MCOC Act. On reading the said statement, it is clear that the present applicant is

named as one of the assailant of the deceased by name Bablu Kavedia. The offence in question took place on 25.8.2003. The present applicant was arrested on 29.8.2003 and was found wearing blood stained clothes. The sickle was also discovered on the statement made by him. His clothes and sickle were found having blood group-A which is also the blood group of deceased Bablu. In the circumstances, it cannot be said at this stage that there is no material against the present applicant. The Advocate for the applicant has relied upon unreported judgment of the Apex Court in the case of Babanrao T. Ranjane Vs. State of Maharashtra. The facts of the said case are totally different and that was not a case of murder. The question is as to whether the person is required to be released will depend upon the facts of each case and the material placed on record. No substance in the application. Hence, application is rejected.

(R. S. MOHITE, J.)